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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,721	07/15/2004	Ralf Neuhaus	2002P00503WOUS	4880
7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER ANWARI, MACEEH	
			ART UNIT 2444	PAPER NUMBER
			MAIL DATE 12/24/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/501,721

**Applicant(s)**

NEUHAUS ET AL.

**Examiner**

MACEEH ANWARI

**Art Unit**

2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-12, 14, 17-19 and 22-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-12, 14, 17-19, and 22-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to communications file on 10/06/2008. **Claim(s) 10, 12, 23-24, 26-27, 33-35** have been amended. **Claim(s) 36-37** have been newly added. No other claims have been amended, added, or canceled. Accordingly, **claim(s) 10-12, 14, 17-19, and 22-37** are pending.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/06/2008 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to **claim(s) 10-12, 14, 17-19, and 22-37** have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 10-12, 14, 17- 19, 22 & 33-37** recites the limitation "the other network component" and "the respective component". There is insufficient antecedent basis for this limitation in the claim.

6. **Claim(s) 10-12, 14, 17-19, and 22-37** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 1** the applicant has stated "...sends information pertaining to the *of the* respective component, the state information *information* sent..."; the examiner will interpret this as reading "... sends information pertaining to the respective component, the state information sent...".

Furthermore regarding **claim 23** the applicant has stated "...monitoring a state of the respective monitored component by *each monitored* component". The examiner will interpret this as reading "... monitoring a state of the respective monitored component by *the monitoring* component".

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 10-12, 14, 17-19, and 22-37** are rejected under 35 U.S.C. 102(e) as being anticipated by **Sekizawa (US PGPub.: 2002/0138612)**.

**Claim 10:** An arrangement, comprising:

a plurality of network components comprising a monitoring component and a monitored component, each network component comprising:

a communication unit providing a direct communication to the other components (**Figures 1, 3 and Abstract & par. 150; information getting and transmitting sections**),

a memory having an address of the monitoring component when the respective component is being monitored (**Figures 1-3 and Abstract; ROM, RAM and status log data file**),

a processing unit (**Figures 1-2 and par. 150; CPU [30]**),

the processing unit monitors a state of the respective component and sends state information pertaining to the of the respective component (**Figures 1- 4 and par. 13-14; automatic monitor program, monitoring unit for transmitting status information indicating state of a machine**), the state information information sent via the communication unit to the stored address when the respective component is being monitored, the state indicates an availability of the respective component (**Figures 1-2 & 19-20; information getting and status codes**), and

the processing unit transmits a monitoring instruction to the monitored component when the respective component is monitoring (**Figures 1-2 & 19-20; information getting and transmitting and status codes**), the monitoring instruction comprises the address of the respective monitoring component and sent directly to the monitored component via the communication unit (**Figures 1-2 & 19-21; information getting, printer serial number, IP address and status codes**),

wherein each network component is :

addressable in a communication network (**Figures 1-2 & 19-21; information getting, printer serial number, IP address and status codes**),

monitorable by each of the other network components via the processing unit, and equipped for monitoring each of the other network components via the communication unit (**Figures 1-2 & 19-21; information getting, printer serial number, IP address and status codes**).

**Claim 11:** Wherein the communication network is a packet switched network (**Figures 1 & 21; Internet, e-mails and IP address**).

**Claim 12:** Wherein a maximum number of addresses stored is predetermined, each address stored is an address of a monitoring component (**Figures 1-2 & 19-22; information getting, printer serial number, IP address, monitoring agent units and monitored units**).

**Claim 14:** Wherein the monitoring instruction comprises information about which changes of state are to be sent as state information (**Figures 1-2 & 19-23; information getting, printer serial number, IP address and status codes**).

**Claim 17:** Wherein the monitoring component uses the information about states or changes of state for visual indication (**Figures 1-2 & 19-23; information getting, e-mail messages and status codes**).

**Claim 18:** Wherein the monitored component can disable monitoring by

individual or all monitoring components (**Figures 1-2 & 19-23; information getting, printer serial number, IP address and monitoring agent**).

**Claim 19:** Wherein, while an acknowledgement to the monitoring component repeats the transmission of a monitoring instruction a stipulated intervals of time (**Figures 24-25; monitoring times/periods**).

**Claim 22:** Wherein the information about the transmittability of the monitoring instruction can be used to determine a corresponding state for the component which is to be monitored (**The limitation that the instruction "can be used to determine" is intended use and therefore is not being given any patentable weight. Furthermore, figure 24 shows that the monitoring times/periods and status transmissions**).

**Claim 36:** wherein each network component includes a memory for storing a list of addresses prohibited from monitoring the monitored component, and wherein when the prohibited list of the monitored component includes the address of the monitoring component, the monitored component is not monitored by the monitoring component (**Figures 17; monitor flag, monitored or not monitored and monitoring agents**).

**Claim 37:** wherein the monitored component sends state information after a change in state (**Figures 20; error levels, and status messages**).

**Claims 10-12, 14, 17-18, 19, 22 and 33-35** are substantially the same as **claims 23-32** and are therefore rejected using the same rationale applied to **claims 10-12, 14, 17-18, 19, 22 and 33-35**.

Furthermore regarding **claim 30**, wherein the user is provided an input field for inputting a text message to be sent to the monitored component when the monitored component is busy (**Figures 13-23; e-mail messages and various parameter settings**).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 33-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sekizawa**, and further in view of **Coussement (US PG PUB: 2002/0114278 A1)**.

Regarding **claim 33**, **Sekizawa** discloses the invention as discussed above, however **Sekizawa** does not appear to explicitly disclose wherein each of the network components are voice over IP telephones.

In the same field of endeavor **Coussement** discloses wherein each of the network components are voice over IP telephones (**Figures 1-6 and par. 28, 35 & 41; VoIP**).

Accordingly it would have been obvious for one of ordinary skill in the networking art to modify or incorporate **Coussement's** teachings of VOIP with the teachings of **Sekizawa** to provide for a more flexible and robust system (i.e. extending the checking of status information from "printers" to telephones).



Regarding **claim 34, Sekizawa-Coussement** further discloses wherein each of the network components are telephony clients (**Figures 1-6 and par. 8; Internet protocol network telephony**).

One of ordinary skill in the art would have combined **Sekizawa-Coussement** for the same reasons provided in **claim 33**.

Regarding **claim 35, Sekizawa-Coussement** further discloses wherein each of the network components is selected from the group consisting of telephone, telephony client, server, gateway, and gatekeeper (**Figures 1-6 and par. 8; Internet protocol network telephony**).

One of ordinary skill in the art would have combined **Sekizawa-Coussement** for the same reasons provided in **claim 33**.

#### ***Prior Art***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. **Steinberg et al (US-PGPUB: 2002/0170002 A1)**, directed towards state/status monitoring within network fault management systems.
- b. **Motoyama et al (US-PGPUB: 2003/0055952 A1)**, directed towards systems, methods and computer program products for monitoring networked devices.
- c. **Parry (US-PGPUB: 2003/0217357 A1)**, directed towards monitoring firmware for computing devices.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MACEEH ANWARI whose telephone number is (571)272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.

/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2444